Exhibit No. \_\_\_\_

### Docket No. AO-313-A44; DA-01-07

Information requested by:

Charles M. English, Jr. Thelen, Reid & Priest LLP 701 Pennsylvania Avenue, N.W. Washington, DC 20004-2608

On behalf of Suiza Foods Corporation and Anderson-Erickson Dairy

November 14, 2001

Prepared by: Market Administrator

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November 2, 2001

#### **VIA FACSIMILE**

Mr. Donald R. Nicholson Market Administrator 10801 Renner Boulevard Lenexa, Kansas 66219

Re:

November 14-15, 2001

Federal Milk Order Hearing for Order 32

Dear Mr. Nicholson:

On behalf of Suiza Foods Corporation and Anderson-Erickson Dairy, we hereby request that your office provide the following exhibits and testimony at the upcoming Central Order Federal Milk Order Hearing scheduled for Kansas City beginning on November 14, 2001:

- 1.. Data and information of the same or similar kind and time periods as submitted in each table and appendix in Exhibit 5 in the Mideast Order hearing held on October 23-24 in Wadsworth, Ohio (Table of Contents of Exhibit 5 attached).
- 2. For at least two representative months in 2000 and 2001, a list of each pool plant, including location, under the order, and the regulatory paragraph under which that plant qualified for that month on the Central Order.
- 3. For at least two representative months in 2000 and 2001, a list of each nonpool plant, including location, receiving Central Order pool milk diverted to it.
- 4. For each month from January 2000 through the most recent month for which data is available, producer milk by state and, if possible, county. For producer milk pooled that is produced in California, please provide the average federal order Class I location value for the total quantity of that milk.
- 5. For each month from January 2000 through the most recent month for which data is available, the total quantity of milk caused to be diverted by and the total quantity of milk pooled at supply plants located outside the marketing area.

#### THELEN REID & PRIEST LLP

November 2, 2001 Page 2

- 6. For each month from January 2000 through the most recent month for which data is available, the total quantity of milk diverted to any plant located 500 miles from the nearest plant in the marketing area.
- 7. For each month from January 2000 through the most recent month for which data is available, the total pounds of Class II, Class III and Class IV milk pooled at pool plants pursuant to 7 C.F.R. § 1032.7(e), not including the pounds of milk pooled at pool plants described in subparagraph 1032.7(e)(1).
- 8. For each month from January 2000 through the most recent month for which data is available, the pounds of fluid milk products transferred by supply plants to distributing plants regulated under any other Federal order.
- 9. As to proposal 5 in the Hearing Notice, assuming that the proposal is adopted as written, please be prepared at the Hearing to provide an explanation (either written or oral) for the record of how your office would administer that section as amended.

Of course if this request duplicates another request to your office or material that your office was planning to provide regardless, we do not expect duplicate effort on your part. Moreover, we are always mindful that certain data or information may not be available to the public on confidentiality grounds. To the extent that alternative data may be grouped or otherwise provided, we request that best efforts be made so as to permit the material requested to be submitted in some useful fashion.

If you have any questions, please contact me at (202) 508-4159. If the material can be sent via federal express in advance of the hearing, I would appreciate it. Our federal express account number is 0200-1130-0.

With best regards,

Charles M. English, Jr.

LEN 1

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#### **USDA Equal Opportunity Policy**

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p file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Jamie L. Whitten Building, 14th and dependence Avenue SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an Equal Opportunity ovider and employer."

Some of the information requested by Mr. Charles M. English were to be included in the exhibit prepared by the Market Administrator and are referenced accordingly.

- 1. Data and information of the same or similar kind and time periods as submitted in each table and appendix in Exhibit 5 in the Mideast Order hearing held on October 23-24 in Wadsworth, Ohio (Table of Contents of Exhibit 5 attached).
- \* See Market Administrator's Exhibit.
- 2. For at least two representative months in 2000 and 2001, a list of each pool plant, including location, under the order, and the regulatory paragraph under which that plant qualified for that month on the Central Order.
- \* See "English No. 2" table attached.
- 3. For at least two representative months in 2000 and 2001, a list of each nonpool plant, including location, receiving Central Order pool milk diverted to it.
- \* See Market Administrator's Exhibit -- Table No. 9 "Unregulated Manufacturing Plants December 2000," and Table No. 10 "Unregulated Manufacturing Plants, July 2001."
- 4. For each month from January 2000 through the most recent month for which data is available, producer milk by state and, if possible, by county. For producer milk pooled that is produced in California, please provide the average federal order Class I location value for the quantity of that milk.
- \* See Market Administrator's Exhibit,
   Table No. 13 -- "Central Federal Milk Order Marketings by State and County -- September 2000"
   Table No. 14 -- "Central Federal Milk Order Marketings by State and County -- September 2001"
- \* California producer milk pooled on the order from March through September 2001 was priced at an average location value of \$1.6267 per hundredweight. The range was from \$1.6146 in March 2001 to \$1.6317 in July 2001.
- 5. For each month from January 2000 through the most recent month for which data is available, the total quantity of milk caused to be diverted by and the total quantity of milk pooled at supply plants located outside the marketing area.
- \* See "English No. 5" table attached.

- 6. For each month from January 2000 through the most recent month for which data is available, the total quantity of milk diverted to any plant located 500 miles from the nearest plant in the marketing area.
- \* Milk diverted to plants located 500 miles or more from the nearest plant in the marketing area is restricted since it is from less than three handlers. These plants would be located in the states of California and Montana and can be found in Market Administrator Exhibit, Tables 9 and 10. Also see "English No. 6," a map with the plants used to determine the 500 mile radius.
- 7. For each month from January 2000 through the most recent month for which data is available, the total pounds of Class II, Class III and Class IV milk pooled at pool plants pursuant to 7 C.F.R. § 1032.7(e), not including the pounds of milk pooled at pool plants described in subparagraph 1032.7(e)(1).
- \* As noted in table "English No. 2," Prairie Farms Dairy, Inc. is the only handler qualifying pursuant to 7 C.F.R. § 1032.7(e). Therefore the data is considered confidential.
- 8. For each month from January 2000 through the most recent month for which data is available, the pounds of fluid milk products transferred by supply plants to distributing plants regulated under any federal order.
- \* See Market Administrator Exhibit, Table No. 16 "Central Federal Order Supply Plant Bulk Receipts and Dispositions."
- 9. As to proposal 5 in the Hearing Notice, assuming that the proposal is adopted as written, please be prepared at the Hearing to provide an explanation (either written or oral) for the record of how your office would administer that section as amended.
- \* During the months of August through November, the producer receipts delivered to a handler described in §1032.7(a), (b) and (e) divided by 0.25 will equal the amount of producer milk that may be pooled by that handler. Similarly, 0.20 would be used in the calculations for December through July.

Plants Included in the Central Federal Order Pool Computation January 2000 to Date With Reference to Qualifying Order Provision

English No. 2

	With Ne	referre to wdamying Or	der Frovision		Qualified
	Handler Bid in the Bod Bloom	City, State	County	Location	Pursuant to § 1032
	Distributing Pool Plants	5 44 : 14	<b>5</b>	4.00	_
	Anderson-Erickson Dairy Co.	Des Moines, IA	Polk	1.80	.7a
	Borden Dairy	Tulsa, OK	Tulsa	2.60	. <u>7</u> a
	Chester Dairy Co.	Chester, IL	Randolph	2.00	. <u>7</u> a
	Dairy Gold Foods Co.	Cheyenne, WY	Laramie	2.45	.7a
	Dean Foods, North Central, Inc.	Sioux Falls, SD	Minnehaha	1.70	.7a
	Dillon Dairy Co.	Denver, CO	Denver	2.55	.7a
	Graff Dairy, LLC	Grand Junction, CO	Mesa	2.00	.7a
	Hiland Dairy Co.	Chandler, OK	Lincoln	2.60	.7a
	Hiland Dairy Co.	Norman, OK	Cleveland	2.60	.7a
	Hiland Dairy Co.	Wichita, KS	Sedgwick	2.20	.7a
	Jackson Ice Cream Co., Inc	Hutchinson, KS	Reno	2.20	.7a
	Land-O-Sun Dairies, Inc.	O'Fallon, IL	St. Clair	2.00	.7a
	Meadow Gold Dairies, Inc.	Delta, CO	Delta	2.00	.7a
	Meadow Gold Dairies, Inc.	Englewood, CO	Arapahoe	2.55	.7a
	Meadow Gold Dairies, Inc.	Lincoln, NE	Lancaster	1.85	.7a
	Mid States Dairy, Inc.	Hazelwood, MO	St. Louis	2.00	.7a
	Morningstar Foods Group, Inc.	Greeley, CO	Weld	2.45	.7a
	Pevely Dairy Company	St. Louis, MO	St. Louis City	2.00	.7a
	Prairie Farms Dairy, Inc.	Carlinville, IL	Macoupin	2.00	.7e
	Prairie Farms Dairy, Inc.	Granite City, IL	Madison	2.00	.7e
	Prairie Farms Dairy, Inc.	Olney, IL	Richland	2.00	.7e
	Prairie Farms Dairy, Inc.	Peoria, IL	Peoria	1.80	.7e
	Prairie Farms Dairy, Inc.	Quincy, IL	Adams	1.80	.7e
	Prairie Farms Dairy, Inc. (Cheese)	Quincy, IL	Adams	1.80	.7e
	Roberts Dairy Co.	Des Moines, IA	Polk	1.80	.7a
	Roberts Dairy Co.	Iowa City, IA	Johnson	1.80	.7a
	Roberts Dairy Co.	Kansas City, MO	Jackson	2.00	.7a
	Roberts Dairy Co.	Omaha, NÉ	Douglas	1.85	.7a
	Robinson Dairy, Inc.	Denver, CO	Denver	2.55	.7a
	Royal Crest Dairy, Inc.	Longmont, CO	Boulder	2.45	.7a
	Safeway Stores, Inc.	Denver, CO	Denver	2.55	.7a
	Shoenberg Farms, Inc.	Arvada, CO	Jefferson	2.55	.7a
	Sinton Dairy Foods Co.	Colorado Springs, CO	El Paso	2.55	.7a
	Swiss Valley Farms Co.	Dubuque, IA	Dubuque	1.75	.7a
	Wells Dairy, Inc.	Le Mars, IA	Plymouth	1.75	.7a
	Wells Dairy, Inc.	Omaha, NE	Douglas	1.85	.7a
	W.H.Braum, Inc.	Tuttle, OK	Grady	2.60	.7a
	·		J. J. J.		
	Supply Plants				
	Associated Milk Producers, Inc	Arlington, IA	Fayette	1.75	.7f
	Associated Milk Producers, Inc	Fredericksburg, IA	Chickasaw	1.75	.7f
	Associated Milk Producers, Inc	Freeman, SD	Hutchinson	1.75	.7f
	Associated Milk Producers, Inc	Sanborn, IA	O'Brien	1.75	.7f
	Associated Milk Producers, Inc	Sibley, IA	Osceola	1.75	.7f
*	Berner Cheese Corporation	Rock City, IL	Stephenson	1.75	.7c
	ConAgra Dairy Foods Co.	Fredericksburg, IA	Chickasaw	1.75	.7f
	Dairy Farmers of America, Inc.	Earlville, IA	Delaware	1.75	.7f
_	Dairy Farmers of America, Inc.	Effingham, IL	Effingham	2.00	.7f
*	First District Association	Little Rock, MN	Morrison	1.70	.7c
	Foremost Farms USA, Coop.	Lancaster, WI	Grant	1.75	.7f

English No. 2

# Plants Included in the Central Federal Order Pool Computation January 2000 to Date With Reference to Qualifying Order Provision

AAIGII IVE	Herence to Quantying	Oluei Flovision		
		_		Qualified Pursuant to
Handler	City, State	County	Location	§ 1032
Foremost Farms USA, Coop.	Waukon, IA	Allamakee	1.75	.7 <b>f</b>
* Land O'Lakes, Inc.	Caledonia, MN	Houston	1.70	.7с
* Land O'Lakes, Inc.	Greenwood, Wl	Clark	1.70	.7c
Land O'Lakes, Inc.	Sioux Falls, SD	Minnehaha	1.70	.7c
Land O'Lakes, Inc.	Volga, SD	Brookings	1.70	.7c
* National Farmers Organization	Sauk City, WI	Sauk	1.75	.7c
Prairie Farms Dairy, Inc.	Carbondale, IL	Jackson	2.20	.7e
* Stacyville Cooperative Creamery	Stacyville, IA	Mitchell	1.75	.7c
Swiss Valley Farms Co.	Cedar Rapids, IA	Linn	1.80	.7c
Swiss Valley Farms Co.	Greeley, IA	Delaware	1.75	.7c
* Swiss Valley Farms Co.	Hampshire, IL	Kane	1.80	.7c
Swiss Valley Farms Co.	Luana, IA	Clayton	1.75	.7f
Swiss Valley Farms Co.	Soldiers Grove, WI	Crawford	1.75	.7f
* Swiss Valley Farms Co.	Turtle Lake, WI	Polk	1.70	.7c
Wapsie Valley	Independence, IA	Buchanan	1.75	.7 <b>f</b>
* Wisconsin Farms Milk Prod., LLC	Darlington, WI	Lafayette	1.75	.7с
Cooperatives Acting As Handler				
Associated Milk Producers, Inc.	New Ulm, MN			.9c
Country Milk Producers, Inc.	Ames, IA			.9c
Dairy Farmers of America, Inc.	Kansas City, MO			.9c
First District Association	Litchfield, MN			.9c
Foremost Farms USA, Coop.	Baraboo, WI			.9c
Land O'Lakes, Inc.	Arden Hills, MN			.9c
Liberty Milk Cooperative Assn.	Augusta, WI			.9c
Lone Star Milk Producers	Windhorst, TX			.9c
Majic Valley Quality Milk Prods.	Jerome, ID			.9c
National Farmers Organization	Prairie du Sac, WI			.9c
Prairie Farms Dairy, Inc.	Carlinville, IL			.9c
Select Milk Producers, Inc.	Artesia, NM			.9c
Stacyville Cooperative Creamery	Stacyville, IA			.9c
Swiss Valley Farms Co.	Davenport, IA			.9c

<sup>\* =</sup> Supply Plants Located Outside of the Marketing Area

Note: No plants were qualified pursuant to § 1032.7(d).

English No. 5

Producer Milk Pooled, Diverted and Received by Supply Plants Located Both Inside and Outside of the Central Marketing Area

	All Order 32 Supply Plants		Supply Plant	s Inside The Mar	keting Area	Supply Plants Outside The Marketing Area			
	Total Producer	Diverted to	Physically	Total Producer	Diverted to	Physically	Total Producer	Diverted to	Physically
	Milk Pooled	Nonpool Plants	Received	Milk Pooled	Nonpool Plants	Received	Milk Pooled	Nonpool Plants	Received
2000		***************************************			· · · · · · · · · · · · · · · · · · ·			** · · · · · * · · · · · · · · · · · ·	
Jan	166,957,205	25,740,720	141,216,485	148,523,104	24,483,238	124,039,866	18,434,101	1,257,482	17,176,619
Feb	167,623,564	27,644,292	139,979,272	149,510,093	25,459,406	124,050,687	18,113,471	2,184,886	15,928,585
Mar	177,201,297	30,332,476	146,868,821	158,255,320	27,100,380	131,154,940	18,945,977	3,232,096	15,713,881
Apr	158,331,201	21,208,232	137,122,969	140,330,885	20,211,288	120,119,597	18,000,316	996,944	17,003,372
May	162,663,566	52,340,709	110,322,857	118,993,203	25,610,895	93,382,308	43,670,363	26,729,814	16,940,549
Jun	169,267,544	69,143,795	100,123,749	109,827,688	25,976,796	83,850,892	59,439,856	43,166,999	16,272,857
Jul	177,819,700	72,054,162	105,765,538	116,212,187	29,026,250	87,185,937	61,607,513	43,027,912	18,579,601
Aug	194,039,779	73,530,141	120,509,638	114,445,915	24,033,571	90,412,344	79,593,864	49,496,570	30,097,294
Sep ,	251,122,991	73,657,449	177,465,542	197,951,971	52,270,890	145,681,081	53,171,020	21,386,559	31,784,461
Oct	244,247,053	47,400,214	196,846,839	163,161,166	14,285,505	148,875,661	81,085,887	33,114,709	47,971,178
Nov	208,145,621	27,883,071	180,262,550	157,728,130	16,811,370	140,916,760	50,417,491	11,071,701	39,345,790
Dec	206,612,355	38,333,586	168,278,769	154,495,751	19,655,807	134,839,944	52,116,604	18,677,779	33,438,825
9 Mo Total	1,625,026,847	445,651,976	1,179,374,871	1,254,050,366	254,172,714	999,877,652	370,976,481	191,479,262	179,497,219
12 Mo Total	2,284,031,876	559,268,847	1,724,763,029	1,729,435,413	304,925,396	1,424,510,017	554,596,463	254,343,451	300,253,012
!						ĺ			
2001									
Jan	218,877,115	33,238,445	185,638,670	172,577,618	17,891,329	154,686,289	46,299,497	15,347,116	30,952,381
Feb	180,752,594	27,788,522	152,964,072	145,382,163	17,857,811	127,524,352	35,370,431	9,930,711	25,439,720
Mar	207,117,103	32,739,530	174,377,573	167,796,980	20,850,434	146,946,546	39,320,123	11,889,096	27,431,027
Apr	201,512,670	31,172,668	170,340,002	166,584,930	19,662,218	146,922,712	34,927,740	11,510,450	23,417,290
May	186,785,779	33,074,474	153,711,305	148,057,241	21,264,872	126,792,369	38,728,538	11,809,602	26,918,936
Jun	177,443,588	31,429,186	146,014,402	141,623,069	20,483,663	121,139,406	35,820,519	10,945,523	24,874,996
Jul ,	170,582,386	25,150,439	145,431,947	135,103,001	18,961,123	116,141,878	35,479,385	6,189,316	29,290,069
Aug	196,335,858	20,970,528	175,365,330	162,448,409	16,622,757	145,825,652	33,887,449	4,347,771	29,539,678
Sep	234,470,673	20,566,496	213,904,177	199,799,152	16,280,386	183,518,766	34,671,521	4,286,110	30,385,411
Oct									:
Nov									
Dec									
9 Mo Total	1,773,877,766	256,130,288	1,517,747,478	1,439,372,563	169,874,593	1,269,497,970	334,505,203	86,255,695	248,249,508

English No. 5

Producer Milk Pooled, Diverted and Received by Supply Plants Located Both Inside and Outside of the Central Marketing Area

	All Order 32 Supply Plants		Supply Plants Inside The Marketing Area		Supply Plants Outside The Marketing Area				
i	Total Producer	Diverted to	Physically	Total Producer	Diverted to	Physically	Total Producer	Diverted to	Physically
	Milk Pooled	Nonpool Plants	Received	Milk Pooled	Nonpool Plants	Received	Milk Pooled	Nonpool Plants	Received
2000				(Percer	nt of All Supply Plant	Total)	(Percen	t of All Supply Plant	
Jan	166,957,205	24,989,860	141,967,345	88.96	95.11	87.84	11.04	4.89	12.16
Feb	167,623,564	21,415,931	146,207,633	89.19		88.62	10.81	7.90	11.38
Mar	177,201,297	19,123,300	158,077,997	89.31		89.30	10.69	10.66	10.70
Apr	158,331,201	17,512,315	140,818,886	88.63	95.30	87.60	11.37	4.70	12.40
May	162,663,566	16,337,153	146,326,413	73.15		84.64	26.85	51.07	15.36
Jun	169,267,544	18,693,890	150,573,654	64.88	37.57	83.75	35.12	62.43	16.25
Jul	177,819,700	22,892,878	154,926,822	65.35		82.43	34.65	59.72	17.57
Aug	194,039,779	34,621,312	159,418,467	58.98		75.02	41.02	67.31	24.98
Sep	251,122,991	40,820,747	210,302,244	78.83	70.96	82.09	21.17	29.04	17.91
Oct	244,247,053	45,409,618	198,837,435	66.80	30.14	75.63	33.20	69.86	24.37
Nov	208,145,621	40,704,204	167,441,417	75.78	60.29	78.17	24.22	39.71	21.83
Dec	206,612,355	36,550,922	170,061,433	74.78	51.28	80.13	25.22	48.72	19.87
9 Mo Total	1,625,026,847	216,407,386	1,408,619,461	77.17		84.78	22.83	42.97	15.22
12 Mo Total	2,284,031,876	339,072,130	1,944,959,746	75.72	54.52	82.59	24.28	45.48	17.41
2001									
Jan	218,877,115	37,395,850	181,481,265	78.85		83.33	21.15	46.17	16.67
Feb	180,752,594	31,810,251	148,942,343	80.43	64.26	83.37	19.57	35.74	16.63
Mar	207,117,103	37,214,935	169,902,168	81.02	63.69	84.27	18.98	36.31	15.73
Apr	201,512,670	35,118,911	166,393,759	82.67	63.08	86.25	17.33	36.92	13.75
May	186,785,779	36,221,203	150,564,576	79.27	64.29	82.49	20.73	35.71	17.51
Jun	177,443,588	34,493,546	142,950,042	79.81	65.17	82.96	20.19	34.83	17.04
Jul	170,582,386	28,783,503	141,798,883	79.20	75.39	79.86	20.80	24.61	20.14
Aug	196,335,858	26,793,059	169,542,799	82.74	79.27	83.16	17.26	20.73	16.84
Sep	234,470,673	26,179,155	208,291,518	85.21	79.16	85.79	14.79	20.84	14.21
Oct									
Nov									
Dec						_			
9 Mo Total	1,773,877,766	294,010,413	1,479,867,353	81.14	66.32	83.64	18.86	33.68	16.36

## Areas Within 500 Miles Of Selected Central Federal Order Distributing Plants

